

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

LUZ PICART,
Plaintiff

v.

CIVIL NO. 04-1878(DRD)

COMMISSIONER OF
SOCIAL SECURITY,
Defendant

ORDER FOR DISMISSAL

On August, 23, 2004, plaintiff filed the instant case seeking review from an administrative decision entered by the Commissioner of Social Security. Notwithstanding, on September 7, 2004, plaintiff was advised by the Clerk's Office that the statutory filing fee in the amount of One Hundred and Fifty Dollars (\$150.00) had not been included at the time of filing the complaint (Docket No. 2). Further, plaintiff was advised that failure to correct said deficiency could result in the striking of the pleadings or in the dismissal of the instant action. As of today, almost a year has elapsed without plaintiff curing said deficiency.

It is well known that the Court cannot sit idly waiting for plaintiff to litigate its case at its pleasure. Plaintiffs have shown a pattern of noncompliance with this Court's order in addition to show a lack of diligence prosecuting its claims. *See, Damiani v. Rhode Island Hospital*, 704 F.2d at 15-16. In sum, Plaintiff has shown a lack of interest vindicating whatever rights they may have. *Zavala Santiago v. Gonzalez Rivera*, 553 F.2d 710, 713 (1st Cir. 1977). The Court has showed considerable patience in this case and has provided warnings which plaintiff has disdained. Simply expressed, there is no reasonable excuse for plaintiff's failure to comply with the Court's order and evidence compliance with the rules of practice. Finally, notwithstanding the leniency showed by the Court, plaintiff has failed to react. There is no other sanction available for plaintiff's own inactivity and its lack of interest in vindicating her rights. In the instant case there is no other lesser sanctions available and appropriate." *Estate of Solis-Rivera v. United States*, 993 F.2d at 2.

Therefore, for the reasons stated herein, the Court hereby **DISMISSES** all claims against all Defendants **WITHOUT PREJUDICE** for Plaintiff's failure to comply with the Court's clearly communicated order. **Judgment shall be issued accordingly. THIS CASE IS CLOSED FOR ALL STATISTICAL PURPOSES.**

IT IS SO ORDERED.

In San Juan, Puerto Rico this 15th day of August 2005.

**S/DANIEL R. DOMINGUEZ
DANIEL R. DOMINGUEZ
U.S. DISTRICT JUDGE**